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M 36-966

EXAMINER

DETAILED ACTION

LM1270284

NIXON & VANDERHYE
1100 NORTH GLEBE ROAD
8TH FLOOR
ARLINGTON VA 22201

DATE

PAPER NUMBER

2731

DATE MAILED: 02/04/99

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

Material which was not described in the specification and which is such a way as to reasonably convey to one

☐ This application has been examined ☒ Responsive to communication filed on 11/13/98 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire THREE month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

oriented control means which were not described in the specification in a reasonably complete

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☒ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

- ☒ Claims 1-25 are pending in the application.
Of the above, claims — are withdrawn from consideration.
- ☐ Claims — have been cancelled.
- ☐ Claims — are allowed.
- ☒ Claims 1-25 are rejected.
- ☐ Claims — are objected to.
- ☐ Claims — are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on — Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on —, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
- ☒ The proposed drawing correction, filed 11/13/98, has been ☒ approved; ☐ disapproved (see explanation).
- ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. —; filed on —.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

EXAMINER'S ACTION

Art Unit: 2731

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-25 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims now recite “object-oriented software agents” and “object-oriented control means” which were not described in the specification in a reasonable way.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Mahany et al., US Pat. 5,790,536 (Mahany).

Mahany discloses a communication system in which wired and wireless communication networks are employed in an overall scheme to link portable or mobile computing devices.

Mahany teaches a plurality of services in that it is described that “copies of data, program code,

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and processing resources are migrated from their source toward requesting destinations based on request frequency, communication link cost and available local storage and/or processing resources. Also taught is the communication of two-dimensional images. The system of Mahany teaches a service provision in that the access servers (or base stations) routes and relays data, and provides other functionality for communication among hardwired and wireless, stationary and roaming devices. Specifically, Mahany teaches control means comprising a plurality of software agents (access servers), individual agents of said plurality comprising data relevant to service provision via the network (col. 9, lines 4-43), updating means for updating data held by at least some of said software agents (this is inherent because at least the resource allocation for each communication device the access device is serving would be updated according to the traffic), the control means (host computer and the plurality of access servers) maintaining and communicating the data made available to the user and responsive to selection of a service by the user to trigger a process for providing the selected service to the user.

Further, note that the network of Mahany is a combination network of wired and wireless.

Further, Mahany teaches the transfer of user between cells of mobile network. See Fig. 1c, and note well known principle behind cellular network.

Further Mahany teaches the fact that a service potentially available to the user is affected by bandwidth availability in the cell in which the user has access to the mobile network, and the control means may update the data available to the user in terms of either availability of such

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service or the price at which it would be available. See abstract and col. 9, lines 44 - col. 10, line 12.

Response to Arguments

4. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is (703) 305-4363. The examiner can normally be reached on M-F from 9AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

M.JUNG

February 1, 1999


MIN JUNG
PRIMARY EXAMINER